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USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
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 DATE FILED: December 2, 2014

-----X
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 INDEMNITY INSURANCE COMPANY OF
 NORTH AMERICA as subrogee of Perrigo Co.,

Plaintiff,

- against -

FOODLINER, INC.,

Defendant.
 -----X

: ECF CASE

: 14 Civ. 8165 (PAC)

: **STIPULATION AND ORDER
 OF DISMISSAL WITHOUT
 PREJUDICE**

WHEREAS, the parties have reached a settlement which requires that defendant Foodliner, Inc. pay plaintiff Twenty Two Thousand Dollars (\$22,000.00) by December 16, 2014;

IT IS HEREBY STIPULATED AND AGREED that this action is discontinued pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, without prejudice and with each party to pay its own costs and attorneys fees.

IT IS FURTHER STIPULATED AND AGREED that, if the settlement funds are not paid to plaintiff by the above date, this action will be restored to the active docket of this Court upon letter application of plaintiff's counsel, provided said application is made within thirty (30) days of the entry of this Order on the ECF docket;

IT IS FURTHER STIPULATED AND AGREED that the Court retains jurisdiction to enforce the settlement; and

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IT IS FURTHER STIPULATED AND AGREED that upon timely receipt by plaintiff of all settlement funds, a stipulation of dismissal with prejudice will be submitted to the Court.

Dated: New York, New York
December 2, 2014

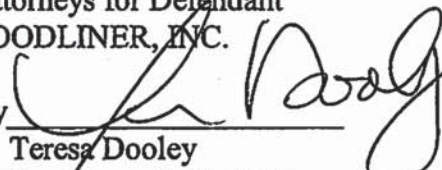
So Ordered:




UNITED STATES DISTRICT JUDGE

km

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FOODLINER, INC.

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